



THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA

BYLAW # 767-2016

TAXI BYLAW

BEING A BYLAW OF THE TOWN OF FOX CREEK, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, REGULATING AND CONTROLLING OF TAXIS AND TAXI BUSINESSES WITHIN THE TOWN OF FOX CREEK.

WHEREAS, pursuant to Sections 7 and 8 of the *Municipal Government Act*, RSA 2000, c. M-26, a Council may pass bylaws dealing with transportation, business, and other activities;

NOW THEREFORE, the Municipal Council for the Town of Fox Creek in the Province of Alberta, duly assembled; hereby enacts as follows:

TITLE

This Bylaw shall be known as the "Taxi Bylaw".

DEFINITIONS

1. In this Bylaw:

- a) **"License"** means a Business License issued for the operation of a Taxi Cab under the Town's Business License Bylaw #736-2014, as amended from time to time.
- b) **"Licensee"** means any person who holds a License under this Bylaw.
- c) **"Licensed Mechanic"** means the holder of a Certificate of Proficiency as a motor mechanic or a heavy duty mechanic issued pursuant to the *Apprenticeship and Industry Training Act* of Alberta.
- d) **"Mechanical Fitness Report"** means a report containing information regarding the state of a vehicle as required by the Town of Fox Creek including, without limiting the generality of the foregoing, information as to the safety and condition of the Taxi Cab's steering mechanism, brake system, body work and windows, electrical light and signal systems, exhaust systems and tire wear and condition.
- e) **"Peace Officer"** means a Bylaw Enforcement Officer appointed by the Chief Administrative Officer to do any act or perform any duties under this bylaw, or a member of the Royal Canadian Mounted Police, or a Peace Officer under the Peace Officer Act.
- f) **"Taxi Cab"** means a motor vehicle (including any type of limousine) that is operated or intended to be operated for the purpose of carrying passengers for valuable consideration, but does not include a vehicle whose manufactured seating capacity exceeds 10 passengers, including the driver.
- g) **"Taxi Cab Driver"** means a person hired by the Licensee or the Licensee himself or herself to operate a Taxi Cab.

- h) **“Taxi Identification Number”** means a number assigned to the Licensee by the Town to be displayed on the Taxi Cab in accordance with this Bylaw.
- i) **“Taxi License Appeal Committee”** means a Committee of Council, which shall consist of Three (3) public members and Two (2) Council members, as appointed by a resolution of Council.
- j) **“Town”** means the Corporation of the Town Fox Creek or the area contained within the boundaries of the Town as the context requires.

LICENSING AND REGULATIONS

- 2. No person may carry on the business of owning or operating a Taxi Cab without being the holder of a valid License.
- 3. A License is valid unless cancelled, suspended or voluntarily surrendered.
- 4. No person may obtain a License unless:
 - (a) The applicant satisfies all of the requirements of this Bylaw; and
 - (b) The applicant pays the fee for the License as set forth under Schedule “A” of this Bylaw.
- 5. If a Taxi Cab at any time does not meet the requirements under this Bylaw, the Licensee shall ensure that all markings of any kind upon or within it, which serve to identify it as a Taxi Cab, are removed within fourteen (14) days of the date on which it ceases to meet the requirements.
- 6. A Licensee may have and operate more than one Taxi Cab.
- 7. A Licensee shall locate its business office in an area of the Town designated for such use under the Town’s Land Use Bylaw.
- 8. A License issued under this Bylaw is not transferable.
- 9. A Licensee:
 - (a) shall not, either directly or indirectly, permit any person to operate a Taxi Cab except a person who is employed as a Taxi Cab Driver;
 - (b) shall ensure that all Taxi Cabs owned, leased or operated by that Licensee have and maintain adequate automobile insurance and registration for the use of Taxi Cabs pursuant to the Provisions of, S.27 of the *Commercial Vehicle Certificate and Insurance Regulation* of the *Traffic Safety Act* of Alberta.
 - (c) shall keep on file all related documents referred to in Section 13 of this bylaw at Licensee’s business office, and must be handed over upon request by a Peace Officer and or the RCMP.
- 10. A Licensee may install a top light approved by the Town of Fox Creek on his or her Taxi Cab. Vehicle numbering and/or markings on both sides of the vehicle with company name and phone number shall be placed on the Taxi Cab in accordance with this Bylaw.
- 11. A Licensee shall ensure that all Taxi Cabs used in relation to a License meet all requirements of this Bylaw.

LICENSING AND REGULATION OF TAXI CAB DRIVERS

12. No person shall operate a Taxi Cab without being the holder of a minimum valid non-restricted class 4 Driver's License.

13. No person shall be allowed to operate a Taxi Cab who:

(a) Has been convicted of an Indictable offence under the *Criminal Code of Canada* within a Three (3) year period immediately preceding the date of application of:

(1) A sexual offence or offence relating to the corruption of public morals;

(2) An offence relating to homicide, aggravated assault, kidnapping, arson or abduction;

(3) An offense relating to robbery or extortion; and

(4) An offense of criminal negligence, dangerous driving, impaired driving, operating a motor vehicle with a blood alcohol content over 80 mg per one hundred ml of blood, refusing to provide samples of breath.

(b) Has been convicted under the Criminal Code of Canada, or the Controlled Drugs and Substances Act within the three (3) year period immediately preceding the date of application.

(c) Has been charged with any Indictable offence under the *Criminal Code of Canada*, or the *Controlled Drugs and Substances Act* until the charge has been withdrawn or the matter is otherwise dealt with in a manner which does not result in an indictable conviction;

(d) Has not completed a Vulnerability Background check by the Police of Jurisdiction.

14. When a Taxi Cab Driver has been charged with an Indictable offence under the *Criminal Code of Canada* or the *Controlled Drugs and Substances Act*:

(a) The individual shall forthwith notify the Town of Fox Creek of the charges;

(b) Upon receiving notification of the charges, the Licensee must suspend the Taxi Driver until the charge has been withdrawn or the matter is otherwise dealt with in a manner which does not result in a conviction.

(c) Upon receiving notification that the Licensee has been charged with an indictable offence, the Town of Fox Creek may suspend the Licensee from driving a Taxi Cab licensed under this bylaw, until the charge has been withdrawn or the matter is otherwise dealt with in a manner which does not result in a conviction.

15. An individual desiring to obtain a License or to renew such License shall submit an application to the Town of Fox Creek. Such application shall be in writing, be signed by the applicant and shall include the following information:

(a) The applicant's full and correct name, address, telephone number, date of birth, applicant's physical description

(b) Whether the applicant is legally entitled to work in Canada.

- (c) Evidence that the applicant is properly licensed to drive a Taxi Cab in Alberta, including proof of a valid Province of Alberta class 4 Driver's License as required by the *Traffic Safety Act*, of Alberta and a current valid Drivers abstract.

16. Every Taxi Cab Driver at all times while operating a Taxi Cab:

- (a) Shall be clean, well behaved and courteous at all times;
- (b) Shall not smoke or allow smoking by any person at any time in the Taxi Cab;
- (c) Shall drive the person by the most direct practical route to their destination;
- (d) Shall not, while operating a Taxi Cab or waiting for hire, obstruct sidewalks or streets or cause any nuisance or annoyance or solicit any person;
- (e) Shall upon request, issue a receipt for the amount of the Taxi Cab fare;
- (f) Shall not transport a greater number of passengers than there are seat belts installed by the manufacturer; and
- (g) Shall prominently display his or her License in the Taxi Cab such that it is clearly visible to any passengers in the Taxi Cab.

17. Except only in cases where a Taxi Cab is previously engaged or for the reasons described in section 18, the Taxi Cab Driver shall accept as a passenger any person requiring the service of such Taxi Cab and who is able to pay the fare payable under this Bylaw.

18. A Taxi Cab Driver may refuse to serve a person requesting the service of his Taxi Cab if such person:

- (a) Owes money to the Taxi Cab Driver for a previous fare;
- (b) Refuses to disclose his final destination before or immediately upon entering the Taxi Cab when requested to do so by the Taxi Cab Driver;
- (c) Asks to be driven to a place in circumstances which the Taxi Cab Driver reasonably believes to be unsafe;
- (d) Is obnoxious, abusive, or offensive; or
- (e) Cannot pay the anticipated cost of the fare.

19. A Taxi Cab Driver shall provide service to all physically handicapped persons, provided that such persons are able to reach the curb side and are able to enter and leave the Taxi Cab with minimal assistance from the Taxi Cab Driver.

20. A Taxi Cab Driver is required to fold and store a wheelchair belonging to a physically handicapped passenger that the Taxi Cab Driver has agreed to carry.

REGULATIONS RESPECTING THE CONDITION OF TAXI CABS

21. Every Licensee shall ensure that every Taxi Cab, once every twelve (12) months has a complete mechanical inspection made by a Licensed Mechanic

22. The Licensed Mechanic shall complete and sign a Mechanical Fitness Report. The Licensee shall deliver the Mechanical Fitness Report directly to the Town of Fox Creek, and maintain a copy of the Mechanical Fitness Report at all times in the Taxi Cab.

23. A Peace Officer may require a Taxi Cab to be inspected by a Licensed Mechanic and each Taxi Cab licensed pursuant to this Bylaw shall be inspected at the cost of the Licensee at such times as a Peace Officer may specify.

24. No person shall obstruct or interfere with any inspection that may be required or carried out pursuant to this Bylaw.
25. A Licensee shall at all times between inspections:
- (a) Ensure that the Taxi Cab is clean and in good condition; and
 - (b) Ensure that all Taxi Cabs meet the standard as set out in the Mechanical Fitness Report so that it is at all times safe, fit and suitable for use as a Taxi Cab.
26. No Licensee or Taxi Cab Driver shall operate or permit the operation of a Taxi Cab for which a Mechanical Fitness Report certifying such Taxi Cab is safe, fit and suitable for use as a Taxi Cab has not been obtained from a Licensed Mechanic within the period required by this Bylaw.
27. A card containing the current rates charged for the use of the Taxi Cab shall be prominently and visibly displayed to the passengers, in each Taxi Cab at all times.
28. Every Taxi Cab Driver shall, upon demand by a Peace Officer, produce any insurance card, registration card, license or other document which he/she may be, from time to time, required to produce or have in his or her possession by this Bylaw or which has been issued to him or her under this Bylaw.
29. The name and telephone number of the Taxi Cab, owned, operated or affiliated with the Licensee shall be prominently displayed on the sides of each such Taxi Cab and/or the company name and Telephone number shall be prominently displayed on the top light
30. Every Licensee shall ensure each Taxi Cab has a Taxi Identification Number prominently displayed on the rear and side of each Taxi Cab, which:
- (a) Shall not be in lettering less than two inches (2") in height; and
 - (b) Shall be removed promptly pursuant to section 4 when the Taxi Cab ceases to meet the requirements under this Bylaw.
31. Top lights are to meet the following standards:
- (a) Signs shall be a standard manufactured unit and such unit shall not exceed fifteen inches (15") in height;
 - (b) Illumination of sign shall be non-flashing, white light or yellow, and
 - (c) Top lights shall be safely and securely fastened to the roof of the Taxi Cab.

POWERS OF PEACE OFFICERS

32. The Town of Fox Creek is hereby authorized and empowered to:
- (a) Refuse to issue a License if the applicant does not, in the opinion of the Town, based on reasonable and probable grounds, comply with the requirements of this Bylaw;
 - (b) Refuse to issue a License based on any information provided to the Town of Fox Creek;
 - (c) Cancel or suspend a business License if, in the opinion of the Town, based on reasonable and probable grounds, the Licensee is not complying or has not complied with the requirements of this Bylaw;
 - (d) Cancel or suspend any License based on the information provided to the Town of Fox Creek;

- (e) Prescribe and authorize the forms and certificates pursuant to the provisions of this Bylaw;
- (f) Issue a License if the applicant, in the opinion of the Town of Fox Creek, complies with all of the requirements of this Bylaw.

33. A Peace Officer may suspend a License issued under this Bylaw:

- (a) Until such time as the requirements of the Bylaw, in the opinion of the Peace Officer, have been complied with.

34. Where a Taxi Cab Driver is suspended by a Peace Officer, that Peace Officer shall as soon as practically possible forward to the Town of Fox Creek, notification of the suspension and the reasons therefore.

35. A License issued under this Bylaw may be suspended by a Peace Officer for non-compliance with the requirements of this Bylaw regardless of whether the Licensee has been prosecuted for contravention of the Bylaw.

36. Where a License application is not approved, the Town of Fox Creek shall send notice of such by ordinary mail, addressed to the applicant or Licensee, as the case may be, to the address provided to the Town, under this Bylaw by the applicant or Licensee, as the case may be, and shall be deemed received by the applicant or Licensee, as the case may be, within five (5) days of being posted.

APPEALS

37. An applicant whose License has been refused by the Town of Fox Creek may appeal that decision to the Taxi License Appeal Committee in accordance with the rules and procedures set forth in this Bylaw.

38. A Licensee whose License has been suspended or cancelled by the Town of Fox Creek may appeal that decision to the Taxi License Appeal Committee in accordance with the rules and procedures set forth in this Bylaw.

39. An appeal to the Taxi License Appeal Committee under Section 37 or 38 shall:

- (a) Be in writing;
- (b) Set out the reasons of the appeal;
- (c) Be on a form supplied by the Town of Fox Creek;
- (d) Include an appeal fee of \$100.00. This will be refundable to the applicant if the appeal ruled is in their favor.
- (e) Be provided to the Town at its main business office no later than fifteen (15) days from the date upon which the decision of the Town of Fox Creek is deemed to have been received by the applicant or Licensee, as that time is calculated under Section 36 of this Bylaw.

40. An appeal which fails to meet the requirements of Section 39 of this Bylaw is void and shall not be considered by the Town of Fox Creek and the Taxi License Appeal Committee.

41. The Taxi License Appeal Committee shall hold a live hearing within thirty (30) days from the date on which the appeal was received, complying with the requirements of this Bylaw.

ENFORCEMENT

- 42. Any person who makes any false or misleading statement in any application or Mechanical Fitness Report provided to the Town of Fox Creek is guilty of an offence under this Bylaw and liable for the penalties set out herein.
- 43. Any person contravening this Bylaw is guilty of an offence and shall be liable for the minimum penalties set out in Schedule "B" of this Bylaw, and not exceeding \$10,000.
- 44. Any person who commits an offence under this Bylaw for which a penalty is not otherwise provided in Schedule "B" is liable to a minimum specified penalty of \$500.00.
- 45. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw in respect of each such offence.
- 46. Notwithstanding anything contained herein to the contrary, a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

ENACTMENT/TRANSITION

- 47. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 48. Schedules "A", "B", and "C" form part of this Bylaw.
- 59. Upon third reading Bylaw 761-2016 is hereby repealed.

BYLAW NO. 767-2016 IS HEREBY GIVEN FIRST READING this 11th day of April, 2016

BYLAW NO. 767-2016 IS HEREBY GIVEN SECOND READING this 11th day of April, 2016

BYLAW NO. 767-2016 IS HEREBY GIVEN THIRD READING AND PASSED this 25 day of April, 2016



Jim Ahn
Mayor



Roy Dell
Chief Administrative Officer

SCHEDULE "A"**ANNUAL FEES**

Taxi Cab Inspection Fee	As determined by inspection location. To be paid by applicant/Licensee.
Business License	Payment of Business Registry License fee.
Taxi Insurance and Registration	To be paid by the Licensee

SCHEDULE**"B"****PENALTIES**

<u>Section</u>	<u>Description</u>	<u>Minimum Specified</u>
2.	Own or operate Taxi Cab without a valid Business License	\$650.00
5.	Fail to remove taxi markings from vehicle within 14 days	\$400.00
9 (c).	Fail to keep on file required documents at place of business and/ or Fail to hand over documents when requested by a Peace Officer	\$500.00
12.	Fail to have a minimum of a valid class 4 Driver's license	\$650.00
16(b).	Smoke or permit smoking in a Taxi Cab	\$250.00
16(d)	Obstruct sidewalks, street(s), cause any nuisance or annoyance Or solicit any person.	\$250.00
21.	Fail to have complete Mechanical Inspection	\$1000.00
25(a).	Operate a Taxi Cab that is not in good condition in accordance with the Alberta Traffic Safety Act	\$250.00
25(b).	Operate a Taxi Cab that fails to meet safety standards	\$1000.00
26.	Operate Taxi Cab without a passed Mechanical Fitness Report Within the required period	\$1000.00
27.	Fail to post rates and charges	\$250.00
30.	Fail to display Taxi Cab identification number	\$300.00